

SENATE BILL 406

By Beavers

AN ACT to amend Tennessee Code Annotated, Title 17,
relative to judges and chancellors.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 17-1-301, is amended by deleting the section and by substituting instead the following:

(a)

(1) Each judge of a circuit, chancery, criminal or other state trial court of record shall be elected to a full eight-year term of office by the qualified voters of the judicial district or circuit, to which the judge is to be assigned, in a contested election held at the regular August election in 2014 and at the regular August election recurring every eight (8) years thereafter.

(2) If a vacancy occurs during the term of office of any judge of a circuit, chancery, criminal or other state trial court of record because of death, resignation, removal or other reason, then the remainder of the unexpired term shall be filled by the qualified voters of the judicial district or circuit in a contested election held at the next regular August election recurring more than thirty (30) days after the vacancy occurs. In the meantime, the governor shall appoint a person to discharge the duties of such office until the first day of September next succeeding the election.

(3) To be appointed or elected as judge of a circuit, chancery, criminal or other state trial court of record, a person must be duly licensed to practice law in this state and must be fully qualified under the constitution and statutes of Tennessee to hold the office.

(4) Each election for the office of judge of a circuit, chancery, criminal or other state trial court of record shall be conducted in accordance with general election law set forth in title 2.

(b)

(1)

(A) Each judge of the supreme court shall be elected to a full eight-year term of office by the qualified voters of the state in a contested election held at the regular August election in 2014, and at the regular August election recurring every eight (8) years thereafter. Judges of the supreme court shall be elected to one (1) of five (5) grand divisions of the state.

(B) Judges of the supreme court must have been a resident of the state for five (5) years, and must have been a resident of the grand division for which he or she seeks election for one (1) year.

(C) The five (5) grand divisions of the state for the election of supreme court judges are defined and divided as follows:

(i) West: Comprising the counties of Lake, Dyer, Gibson, Lauderdale, Crockett, Tipton, Haywood, Madison, Shelby, Fayette and Hardeman;

(ii) Middle West: Comprising the counties of Stewart, Obion, Weakley, Henry, Carroll, Henderson, Chester, McNairy, Montgomery, Robertson, Benton, Houston, Humphreys, Dickson, Cheatham, Davidson, Decatur, Perry, Hickman, Lewis, Hardin and Wayne;

(iii) Middle: Comprising the counties of Sumner, Macon, Williamson, Maury, Lawrence, Giles, Trousdale, Wilson, Smith,

DeKalb, Cannon, Rutherford, Marshall, Bedford, Moore, Lincoln and Franklin;

(iv) Middle East: Comprising the counties of Pickett, Clay, Jackson, Putnam, White, Van Buren, Warren, Coffee, Grundy, Overton, Fentress, Scott, Campbell, Cumberland, Morgan, Claiborne, Union, Grainger, Anderson, Roane, Loudon, Rhea, Bledsoe, Meigs, McMinn, Monroe, Sequatchie, Marion, Hamilton, Bradley and Polk; and

(v) East: Comprising the counties of Hancock, Hawkins, Sullivan, Hamblen, Greene, Washington, Unicoi, Carter, Johnson, Jefferson, Cocke, Sevier, Knox and Blount.

(2) If a vacancy occurs during the term of office of any judge of the supreme court or other state appellate court because of death, resignation, removal or other reason, then the vacancy shall be filled, for the remainder of the unexpired term, by the qualified voters of the state in a contested election held at the next regular August election recurring more than thirty (30) days after the vacancy occurs. In accordance with Article VI, Sections 2 and 3 of the Constitution of Tennessee and § 16-3-101, § 16-4-102 or § 16-5-102, as the case may be, the vacancy shall be filled from the grand division or district of the state in which the vacancy occurs. In the meantime, the governor shall appoint a person to discharge the duties of such office until the first day of September next succeeding the election.

(3) To be appointed or elected as judge of the supreme court or other state appellate court, a person must be duly licensed to practice law in this state

and must be fully qualified under the constitution and statutes of Tennessee to hold the office.

(4) Each election for the office of judge of the supreme court or other state appellate court shall be conducted in accordance with general election law set forth in title 2. In accordance with § 2-13-203, each political party may nominate a candidate for election to each such office; and in accordance with § 2-5-101, independent candidates may also qualify for each such office.

SECTION 2. Tennessee Code Annotated, Title 17, Chapter 4, is amended by deleting the chapter.

SECTION 3. This act shall take effect July 1, 2013, the public welfare requiring it, and shall apply to each vacancy or election occurring on or after such date.